

This order is SIGNED.

Dated: March 16, 2021

William J. Thurman

WILLIAM T. THURMAN
U.S. Bankruptcy Judge



Prepared & Submitted By:

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IN THE UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF UTAH, CENTRAL DIVISION

IN RE:

BENJAMIN RODNEY HULSE,

Debtor.

Bankruptcy No. 21-20084 WTT
(Chapter 7)

**ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY
(Central Bank)**

The Court having read and reviewed the Motion for Relief from the Automatic Stay (the “**Motion for Relief**”) filed by secured creditor Central Bank (“**Central Bank**”); it appearing from the Motion for Relief that cause exists, including lack of adequate protection of Central Bank’s interest in the subject real properties and related collateral;

it further appearing that pursuant to 11 U.S.C. § 362(d)(2), debtor Benjamin Rodney Hulse (“**Debtor**”) does not have equity in the subject real properties and related collateral, and that the subject real properties and related collateral is not necessary to an effective reorganization; it further appearing that proper notice of the Motion for Relief was given to all parties entitled thereto as required by Rule 9014, FEDERAL RULES OF BANKRUPTCY PROCEDURE, and Bankr. D. Ut. LBR 4001-1; it further appearing that no objection or other response to the Motion for Relief has been timely filed by Debtor, Debtor’s Counsel, the Chapter 7 Trustee, the United States Trustee’s Office, or other parties in interest; and good cause appearing for the relief sought, and no further notice being necessary, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. That the Motion for Relief be and hereby is granted;
2. That Central Bank be and hereby is granted relief from the automatic stay, pursuant to 11 U.S.C. § 362, to pursue its legal and equitable remedies against the subject real property, which is defined in the Motion for Relief as “**Parcel No. 1**,” that Central Bank might be entitled to under applicable non-bankruptcy law, which Parcel No. 1 is situated in Utah County, Utah, which is more particularly described as follows:

Unit 102, SOUTH VALLEY PLAZA, PLAT “B”, SECOND SUPPLEMENTAL CONDOMINIUMS, a Convertible Space Condominium, Salem, Utah County, Utah, as the same is identified in the Recorded Survey Map, recorded in Utah County, Utah, on March 5, 2018, as Entry No. 21046:2018, and Map Fling No. 15950, (as said record of survey map may have heretofore been amended or supplemented) and in the Declaration of Condominium, recorded in Utah County, Utah, on December 7, 2017, as Entry No. 121089:2017 (as said Declaration may have heretofore been amended or supplemented).

Together with an undivided ownership interest in and to the common areas and facilities which are appurtenant to said Unit as more particularly described in said Declaration (as said Declaration may have heretofore been amended or supplemented).

Parcel No. 1 or its address is approximately known as: 601 North State Road 198, Salem, Utah 84653. Parcel No. 1's tax identification number is known as: 66-617-0102.

3. That Central Bank be and hereby is granted relief from the automatic stay, pursuant to 11 U.S.C. § 362, to pursue its legal and equitable remedies against the subject real property, which is defined in the Motion for Relief as **"Parcel No. 2,"** that Central Bank might be entitled to under applicable non-bankruptcy law, which Parcel No. 2 is situated in Utah County, Utah, which is more particularly described as follows:

Lot 7, Plat "B", TOWNE AND COUNTRY LIVING SUBDIVISION, Spanish Fork, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office, Utah.

Parcel No. 2 or its address is approximately known as: 1103 South 2230 East, Spanish Fork, Utah 84660. Parcel No. 2's tax identification number is known as: 53-111-0007.

4. That That Central Bank be and hereby is granted relief from the automatic stay, pursuant to 11 U.S.C. § 362, to pursue its legal and equitable remedies against that certain Lease Agreement or similar type agreement (collectively, the **"Lease"**) between Debtor and/or Hulse Dentistry, LLC, as landlord, and Swan Pediatric Dental and/or Matthew Swan, as tenant, together with rental payments under the Lease, which Lease pertains to Parcel No. 1.

End of Document

DESIGNATION OF PARTIES

The undersigned hereby designates the following parties to be served a copy of the foregoing **ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY (Central Bank)** as follows:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users, and will be served notice of entry of the foregoing Order through the CF/ECF System:

Theron D. Morrison:	topofutahlaw@gmail.com
J. Kevin Bird:	jkevinbird@birdfugal.com
J. Scott Brown:	sbrown@ck.law
United States Trustee:	USTPRegion19.SK.ECF@usdoj.gov

By U.S. Mail: In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed. R. Civ. P. 5(b).

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None

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Manual Notice List:

Benjamin Rodney Hulse
24 Kintail Street
Lehi, Utah 84043
Debtor

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All parties on the Court's official case matrix.

/s/ J. Scott Brown

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